



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF AN EMERGENCY RULE

AGENCY: Natural Resources

TITLE-SERIES: 58-38

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Public Shooting Ranges

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

§§20-1-7(31) and 20-3-2.

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

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THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

This is a new rule establishing regulations to govern use of public shooting ranges located on state wildlife management areas, state forests and on other local private or governmental entities in which the West Virginia Division of Natural Resources holds a cooperative management agreement. The Rule addresses numerous criteria and prohibitions relating to hours of operation, permitted activities, types of targets, ammunition and weapons which are permitted, general prohibitions, observance of posted shooting range safety rules, etc.

This rule is needed to address numerous issues currently being experienced on the wildlife management areas and public shooting ranges, including target shooting in non-designated areas, use of explosive targets and inappropriate ammunition which have created public safety issues.

DOES THIS EMERGENCY RULE REPEAL A CURRENT RULE? No

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOUSLY BEEN FILED AND OR EXPIRED? No

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There is no anticipated economic impact on the revenue of the state.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There is no anticipated impact on special revenue accounts.

C. ECONOMIC IMPACT ON THE STATE OR ITS RESIDENTS:

No economic impact on the state or its residents is anticipated.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No economic impact on the state or its residents is anticipated.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jack M Rife--By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 38
PUBLIC SHOOTING RANGES

§58-38-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes regulations to govern use of public shooting ranges located on state wildlife management areas, state forests and on other private or governmental entities in which the Division holds a cooperative management agreement.

1.2. Authority. -- W. Va. Code §§20-1-7(31) and 20-3-2.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. This rule shall terminate and have no further force or effect on August 1, 2027.

§58-38-2. Definitions.

2.1. "Division" means the West Virginia Division of Natural Resources.

2.2. "Firing Line" means the line directly in front of and parallel to the shooting benches from which gunfire is directed at targets.

2.3. "Multiple Projectile Ammunition" means a round with more than one projectile inserted in the cartridge. Shotshells are not included in this definition.

2.4. "Public Shooting Range" means any range on a property owned or administered by the Division which is open to the general public for the practice of archery, air bow shooting, air gun shooting, firearm and muzzleloader shooting, trapshooting (skeet), or a combination of such sports.

2.5. "Target Shooting" means the discharge of a firearm, muzzleloader, bow, air bow, air gun or crossbow for purposes other than hunting, trapping, and self-defense.

2.6. "Weapon" for the purpose of this rule means a firearm, muzzleloader, bow, air bow, air gun or crossbow.

2.7. "Wildlife Management Area" or "WMA" means any public hunting area, public fishing area, or public hunting and fishing area administered by the Division.

2.8. All other terms have the meaning prescribed to them in W. Va. Code of State Rules, Title 58 Series 46 Defining the Terms Used In All Hunting and Trapping.

§58-38-3. General Regulations.

3.1. Property Damage. It is illegal to shoot, cut, damage, deface, or destroy any building, structure, rock, shrub, sign, tree, or other property on public shooting ranges.

3.2. Safety Zones. It is illegal to discharge a weapon within an established safety zone on WMAs, with the exception that users of a public shooting range are permitted to discharge a weapon as prescribed in section 4 of this rule.

§58-38-4. Public Shooting Ranges.

4.1. Hours of Operation. Hours of operation will be posted at the entrance to each public shooting range and no person may utilize the range except during the posted hours. The range may be temporarily closed at the discretion of the responsible District Wildlife Biologist or Wildlife Manager, or other authorized party at a private or local governmental entity in which there is a cooperative management agreement in place with the Division.

4.2. Range Safety. All range visitors using a public shooting range must observe all posted range safety rules.

4.2.1. All recreational activities (e.g., hunting, trapping, fishing, etc.), except for permitted uses of the public shooting range, are prohibited within the boundaries of the posted and delineated safety zone of a public shooting range.

4.2.2. Target shooting on WMAs and state forests is prohibited except at a designated public shooting range.

4.3. Shooting Range Targets.

4.3.1. Only paper, clay, and metal silhouette targets may be used on public shooting ranges on WMAs without prior approval of the District Wildlife Biologist or WMA Wildlife Manager. Glass, plastic, or metal containers or any other items not manufactured for the purpose of being used as a target may not be used as targets on public shooting ranges.

4.3.2. After use targets, silhouettes, ammunition casings, shells, and other items brought to a public shooting range must be removed from the range by the shooter and taken with them upon leaving the public shooting range or items may be disposed of in containers provided at the range.

4.3.3. The shooting of flying clay targets (e.g., trapshooting, skeet, sporting clays, etc.) is prohibited on public shooting ranges unless the range has been constructed to accommodate clay target shooting and is appropriately signed for that use.

4.3.4. The use of explosive and incendiary targets is prohibited on public shooting ranges.

4.4. Other Prohibitions.

4.4.1. Alcoholic beverages are prohibited within the boundaries of all public shooting ranges.

4.4.2. No person may handle a weapon at a public shooting range while under the influence of alcohol, a controlled substance or other drug, or while under the combined influence of alcohol and a controlled substance or other drug.

4.4.3. Except for persons who are under 16 years of age and who have a valid West Virginia hunting license, no person under 16 years of age may use the public shooting range unless directly supervised by a 18 years of age or older.

4.4.4. The use of armor piercing, incendiary, explosive, tracer and multiple projectile ammunition is prohibited on public shooting ranges.

4.4.5. Hawking, peddling, soliciting, begging, advertising, or carrying on any business or commercial enterprise is prohibited on public shooting ranges without the written permission of the Director of the Division of Natural Resources.

4.4.6. Loitering at public shooting ranges including the associated parking area is prohibited.

4.4.7. It shall be unlawful to commit or participate in any act that is not authorized by code of state rules or state law.

4.5. Use of Weapons at Public Shooting Ranges.

4.5.1. All weapons must be unloaded, and weapon handling must cease while any person is forward of the firing line. Weapons may be loaded and discharged only at established shooting stations.

4.5.2. No person may move forward of the firing line until all firing has ceased, all users acknowledge an "All Clear" command and all weapons have been unloaded and placed on the shooting benches.

4.5.3. Weapons must always be pointed downrange.

4.5.4. Use of fully automatic weapons is prohibited unless otherwise designated by the District Wildlife Biologist.

4.5.5. Weapons utilizing a cartridge of .50 caliber and larger are prohibited unless authorized by the District Wildlife Biologist. This prohibition does not apply to muzzleloaders.

§58-38-5. Penalties

5.1. Any person violating the provisions of this rule is guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with W. Va. Code §20-7-9.